

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 1094

94TH GENERAL ASSEMBLY

---

Reported from the Committee on Seniors, Families and Public Health, March 27, 2008, with recommendation that the Senate Committee Substitute do pass.

4643S.03C

TERRY L. SPIELER, Secretary.

---

## AN ACT

To amend chapter 338, RSMo, by adding thereto one new section relating to prohibiting the interchange of anti-epileptic drugs.

---

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 338, RSMo, is amended by adding thereto one new section, to be known as section 338.058, to read as follows:

**338.058. 1. For purposes of this section, the following terms shall mean:**

**(1) "Anti-epileptic drug", any drug prescribed for the treatment of epilepsy or the treatment or prevention of seizures;**

**(2) "Epilepsy", a neurological condition characterized by recurrent seizures;**

**(3) "Interchange", the substitution of one version of an anti-epileptic drug for the anti-epileptic drug originally prescribed, including:**

**(a) A generic for the prescribed brand;**

**(b) A brand for the prescribed drug;**

**(c) A generic by one manufacturer for a generic by a different manufacturer;**

**(d) A different formulation of the prescribed anti-epileptic drug;**

**or**

**(e) A different anti-epileptic drug;**

**(4) "Seizure", an acute clinical change secondary to a brief disturbance in the electrical activity of the brain.**

**2. Notwithstanding section 338.056 to the contrary, a pharmacist, pharmacist technician, or pharmacy intern filling any prescription for**

21 any drug that has been prescribed for the treatment of epilepsy that  
22 denotes that the drug is from a specific manufacturer, be it generic or  
23 name brand, shall not interchange the drug for any from another  
24 manufacturer other than the one specified in the prescription, unless  
25 the patient is notified of the interchange, in writing or verbally, upon  
26 the delivery of the prescription. If such drug is interchanged with  
27 notice to the patient, the pharmacist, pharmacist technician, or  
28 pharmacy intern who fills such prescription shall also notify the  
29 prescribing physician or physician's agent within forty-eight hours of  
30 the delivery of the prescription. This requirement shall not apply to  
31 prescriptions dispensed for inpatients of a hospital, nursing home,  
32 assisted living facility, or inpatients of a mental health or residential  
33 facility.

✓

Bill

Copy